

By: Representative Chism

To: Local and Private  
Legislation

HOUSE BILL NO. 1690

1 AN ACT TO AMEND CHAPTER 834, LOCAL AND PRIVATE LAWS OF 1988,  
2 AS AMENDED BY CHAPTER 880, LOCAL AND PRIVATE LAWS OF 1989, CHAPTER  
3 808, LOCAL AND PRIVATE LAWS OF 1990, AND CHAPTER 942, LOCAL AND  
4 PRIVATE LAWS OF 1997, TO AUTHORIZE THE BOARD OF COMMISSIONERS OF  
5 THE CALEDONIA NATURAL GAS DISTRICT TO CONTRIBUTE MATCHING FUNDS  
6 FOR MONIES CONTRIBUTED TO THE MISSISSIPPI DEFERRED COMPENSATION  
7 PLAN BY ANY EMPLOYEE OF THE DISTRICT OR INDIVIDUAL RECEIVING  
8 COMPENSATION FROM THE DISTRICT WHO IS A QUALIFIED PARTICIPANT IN  
9 THE PLAN; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** Chapter 834, Local and Private Laws of 1988, as  
12 amended by Chapter 880, Local and Private Laws of 1989, Chapter  
13 808, Local and Private Laws of 1990, and Chapter 942, Local and  
14 Private Laws of 1997, is amended as follows:

15 Section 1. The Caledonia Natural Gas District is hereby  
16 created composed of the following described area:

17 Beginning at the Northeast Corner of Lowndes County, which is  
18 also on the Mississippi-Alabama State Line, in Section 19,  
19 Township 15 South, Range 16 West, and proceed South along the  
20 Mississippi-Alabama State Line approximately 12-1/2 miles to  
21 the intersection with Luxapalila Creek; run thence in a  
22 Westerly direction along the tread of Luxapalila Creek as it  
23 progresses through Sections 24, 25, 26, 27, 28, 19, 20, 21,  
24 29, 30, and 31 of Township 17 South, Range 17 West, and  
25 through Sections 36 and 35 of Township 17 South, Range 18  
26 West, to a Point where it intersects with the South boundary  
27 of Section 35, Township 17 South, Range 18 West, Lowndes  
28 County, Mississippi; run thence Westerly along the South  
29 boundary of said Section 35, Township 17 South, Range 18  
30 West, to the West boundary of the East half of said Section

31 35, thence North along said boundary of East half to the  
32 South boundary of Section 26, Township 17 South, Range 18  
33 West, then run West to the Southwest Corner of said Section  
34 26, thence run North 1-1/2 miles more or less to the  
35 Northwest Corner of the Southwest Quarter of Section 23,  
36 Township 17 South, Range 18 West; thence run West along the  
37 Southern boundary of the North half of Section 22, Township  
38 17 South, Range 18 West to the Southwest Corner of the said  
39 North half; thence run North 2 miles more or less to the  
40 Northwest Corner of the South half of Section 10, Township 17  
41 South, Range 18 West; run thence West along the South  
42 boundary of the North halves of Section 8 and 9 of Township 17  
43 South, Range 18 West to the Southwest Corner of the North  
44 half of Section 8; run thence North along the West boundary  
45 of Sections 5 and 8, Township 17 South, Range 18 West to the  
46 intersection with the South boundary of the Columbus Air  
47 Force Base said Point being at or near the Northwest Corner  
48 of Section 5, Township 17 South, Range 18 West; run thence  
49 Easterly along the South boundary of the Columbus Air Force  
50 Base to the Southeast Corner of the Columbus Air Force Base  
51 which is on the West right-of-way of Highway 45 at or near  
52 the Northeast Corner of Section 4, Township 17 South, Range  
53 18 West; run thence North and West along the East boundary of  
54 the said Columbus Air Force Base to a Point where it  
55 intersects with the West boundary of the East half of the  
56 East half of Section 33, Township 16 South, Range 18 West;  
57 run thence North along the West boundary of the East half of  
58 the East half of Sections 33, 28, 21, and 16 of Township 16  
59 South, Range 18 West, until said boundary line intersects  
60 with the main channel of the Buttahatchie River which is also  
61 the North boundary line of Lowndes County, Mississippi; run  
62 thence Northeasterly along the main channel of the  
63 Buttahatchie River to a Point in Section 21, Township 15

64 South, Range 17 West where the North boundary of Lowndes  
65 County leaves the River channel; thence run Easterly along  
66 the North boundary of Lowndes County through Sections 21, 22,  
67 23, and 24 of Township 15 South, Range 17 West, and through  
68 Section 19, Township 15 South, Range 16 West, to the POINT OF  
69 BEGINNING."

70 Section 2. The Caledonia Natural Gas District shall be and  
71 is hereby declared to be a valid political subdivision of the  
72 State of Mississippi, with the power to sue and be sued and to  
73 contract and be contracted with.

74 Section 3. It is hereby found and declared that the object  
75 and purpose of creating the district is to provide natural gas  
76 service to the residents of the aforesaid area and to provide ways  
77 and means to carry out and accomplish that purpose, thereby  
78 benefiting and making more valuable the lands in the district and  
79 preserving and promoting the health, safety and convenience of the  
80 residents thereof. In order to carry out and render effective  
81 that object and purpose, the courts of this state shall construe  
82 this act as an exercise by the Legislature of all the power  
83 appertaining to it, necessary for the benefit of the health,  
84 safety and convenience of the residents of the district; and the  
85 necessity in the public interest of the state at large for the  
86 provision herein enacted is hereby declared as a matter of  
87 legislative determination. All the terms and provisions of this  
88 act are to be liberally construed to effectuate the purposes  
89 herein set forth, and all powers required to accomplish the  
90 purposes of this act are hereby granted and conferred, including  
91 the power to employ engineers and attorneys at such reasonable  
92 compensation as the board of commissioners shall determine.

93 Section 4. (1) From and after April 26, 1988, and until the  
94 effective date of House Bill No. 1869, 1997 Regular Session, the  
95 effective date of this act, the powers of the Caledonia Natural  
96 Gas District shall be vested in and exercised by a board of

97 commissioners consisting of the Mayor of the Town of Caledonia and  
98 four (4) residents of the district. The Governor shall appoint  
99 the four (4) residents to an interim board, the term of which  
100 shall expire upon completion of the construction of the district's  
101 natural gas transmission and distribution system and the election  
102 of such resident members to a successor board as provided in this  
103 subsection.

104         Promptly upon the commencement of natural gas service by the  
105 district to not less than one hundred (100) individually billed  
106 users, the commissioners shall give notice to each user of an  
107 initial election to be held at a time not less than thirty (30)  
108 days nor more than sixty (60) days from such date. The notice  
109 shall state the time, place, and manner in which the users may  
110 vote upon the selection of the resident members of the board to  
111 terms of one (1), two (2), three (3) and four (4) years by ballot  
112 of all users of the district. Such election shall be held in a  
113 manner and according to procedures to be established by rules and  
114 regulations adopted by the board prior to the giving of notice of  
115 such election, and a printed copy of such rules and regulations  
116 shall accompany the notice to be forwarded by regular mail to the  
117 users.

118         Rules and regulations for the conduct of the election shall  
119 provide for a method of nomination of commissioners, notice of  
120 such nominations to be provided to users not less than thirty (30)  
121 days prior to the date upon which the election is to be held,  
122 along with a method of balloting by mail as well as personal  
123 attendance at the time and place of election, a method of  
124 balloting by proxy vote, and a method of making additional  
125 nominations by users in addition to any nominations proposed by  
126 the board of commissioners. The time of the election shall be  
127 fixed between the hours of 10:00 a.m. and 6:00 p.m. on a day of  
128 the week other than Sunday.

129           In this and all succeeding elections, each user of the  
130 district shall have one (1) vote; provided that when a billing is  
131 made to more than one (1) person at a single location, each such  
132 person shall be limited to casting a pro rata share of the one (1)  
133 vote to which the billing location is entitled.

134           (2) From and after the effective date of House Bill No.  
135 1869, 1997 Regular Session, the powers of the Caledonia Natural  
136 Gas District shall be vested in and exercised by a board of  
137 commissioners consisting of five (5) residents of the district.  
138 The term of office of the four (4) resident members of the board  
139 who are in office on the effective date of House Bill No. 1869,  
140 1997 Regular Session, shall continue uninterrupted until such  
141 terms are scheduled to expire in accordance with subsection (1) of  
142 this section. At the next regularly scheduled election of  
143 commissioners following the effective date of House Bill No. 1869,  
144 1997 Regular Session, the users of the district shall elect, in  
145 the same manner that all other commissioners are elected, a fifth  
146 resident of the district to serve as a commissioner. However,  
147 until such time that the fifth commissioner is duly elected and  
148 takes office, an interim commissioner shall be appointed to serve  
149 by the four (4) resident members of the board.

150           (3) Subsequent to the initial election, there shall be held  
151 an election annually on a date and in a manner substantially  
152 conforming to the initial election, except that in each annual  
153 election following the initial election, all commissioners shall  
154 be elected to terms of three (3) years.

155           (4) Vacancies in the office of commissioner during the  
156 interim period by an appointee of the Governor shall be filled by  
157 appointment of the Governor and, following the holding of the  
158 initial election, shall be filled for the unexpired term by the  
159 remaining commissioners.

160           (5) Each commissioner shall be entitled to receive  
161 reasonable salary and compensation for the performance of his

162 duties as commissioner, the amount of such salary and compensation  
163 to be fixed by resolution duly adopted and entered on the minutes  
164 of the commission.

165 The Caledonia Natural Gas District is hereby authorized to  
166 pay the commissioners per diem and travel expenses in an amount as  
167 determined and approved by the board of commissioners, and the  
168 district is also authorized to implement a health care insurance  
169 program for the commissioners in an appropriate amount as  
170 determined and approved by the board of commissioners.

171 Section 5. The board shall have the power to make such rules  
172 and regulations as it deems necessary to the operation of the  
173 district and the subsequent election of commissioners and shall  
174 possess and is hereby granted all necessary power and authority to  
175 construct and acquire a natural gas transmission and distribution  
176 system, including the authority to exercise the power of eminent  
177 domain for the acquisition of property necessary to carry out its  
178 powers and duties under this act, and to issue revenue bonds to  
179 finance the construction thereof. The amount of revenue bonds  
180 authorized to be issued shall not exceed an aggregate of Ten  
181 Million Dollars (\$10,000,000.00). Except as otherwise provided in  
182 this act, all powers with respect to natural gas transmission and  
183 distribution systems granted to municipalities of this state by  
184 Sections 21-27-11 through 21-27-69, Mississippi Code of 1972,  
185 including the issuance of revenue bonds, are hereby conferred upon  
186 and may be exercised within the district by the board as if the  
187 system and financing thereof as provided herein were pursuant to  
188 said sections.

189 Section 6. The commission shall have full power and  
190 authority to issue all bonds of the district, but before issuing  
191 any bonds, the commission shall adopt a resolution declaring its  
192 intention so to do, stating the amount of the bonds proposed to be  
193 issued, and the date upon which the commission proposes to direct  
194 the issuance of such bonds. Such resolution shall be published

195 once a week for at least three (3) consecutive weeks in at least  
196 one (1) newspaper qualified under the provisions of Section  
197 13-3-31, Mississippi Code of 1972, in the county in which the  
198 district lies and having a general circulation in the district  
199 which lies in such county. The first publication of such  
200 resolution shall be made not less than twenty-one (21) days prior  
201 to the date fixed in such resolution for the issuance of the  
202 bonds, and the last publication shall be made not more than seven  
203 (7) days prior to such date. If ten percent (10%) of the users of  
204 the district shall file a written protest against the issuance of  
205 such bonds on or before the date specified in such resolution,  
206 then an election on the question of the issuance of such bonds  
207 shall be called and held in the manner to be provided by the  
208 commission by rules and regulations promulgated prior to the  
209 adoption of the resolution declaring the commission's intention to  
210 issue such bonds.

211 Section 7. For the purposes of Section 77-3-1, Mississippi  
212 Code of 1972, the gas transmission and distribution system of the  
213 district shall be deemed to be a municipal gas system not subject  
214 to the jurisdiction of the Mississippi Public Service Commission,  
215 except as provided by Section 77-3-1, Mississippi Code of 1972,  
216 and in this act.

217 Section 8. Any revenue bonds issued under the provisions of  
218 this act may be submitted to validation under the provisions of  
219 Sections 31-13-1 through 31-13-11, Mississippi Code of 1972.

220 Section 9. The Board of Commissioners of the Caledonia  
221 Natural Gas District, in its discretion, may contribute matching  
222 funds of up to Two Hundred Dollars (\$200.00) per year for any  
223 monies contributed to the Mississippi Deferred Compensation Plan  
224 established under Section 25-14-1 et seq., Mississippi Code of  
225 1972, by any employee of the district or individual receiving  
226 compensation from the district who is a qualified participant in  
227 the plan.

228           Section 10. If any provisions of this act shall be held to  
229 be invalid by any court of competent jurisdiction, the remainder  
230 of this act shall not be affected thereby.

231           **SECTION 2.** This act shall take effect and be in force from  
232 and after its passage.